

be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

“(i) the employer is not also the employer of the individual, and

“(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.”.

(2) INDIVIDUALS OVER AGE 65 AUTOMATICALLY ENROLLED IN MEDICARE PART A.—Section 223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: “This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act.”

(3) INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.”.

(b) FAMILY PLAN MAY HAVE INDIVIDUAL ANNUAL DEDUCTIBLE LIMIT.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR FAMILY COVERAGE.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

“(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

“(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).”.

(c) DEFINITION OF QUALIFIED MEDICAL EXPENSES.—

(1) PREMIUMS FOR LOW PREMIUM HEALTH PLANS TREATED AS QUALIFIED MEDICAL EXPENSES.—Subparagraph (C) of section 223(d)(2) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following new clause:

“(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.”.

(2) SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

“(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to

be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

“(i) during either—

“(I) the taxable year in which the health savings account was established, or

“(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

“(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 227. Mr. REID submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike all after the first word of the matter to be inserted and insert the following:

MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

“(B) \$6.55 an hour, beginning 12 months after that 60th day; and

“(C) \$7.25 an hour, beginning 24 months after that 60th day;”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 228. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 2 and all that follows through page 4, line 2, and insert the following:

SEC. —. EXPANSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

“(A) the amount paid during the taxable year for insurance which constitutes medical

care for the taxpayer, the taxpayer's spouse, and dependents, and

“(B) in the case of any taxable year beginning in 2008, the amount paid during the taxable year for insurance which constitutes medical care for—

“(i) any individual—

“(I) who was not the spouse, determined without regard to section 7703, of the taxpayer at any time during the taxable year of the taxpayer,

“(II) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins or who is a student who has not attained the age of 24 as of the close of such calendar year,

“(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

“(IV) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which the taxpayer's taxable year begins, and

“(ii) an individual—

“(I) who is designated by the taxpayer for purposes of this paragraph,

“(II) who is not the spouse of the taxpayer and does not bear any relationship to the taxpayer described in subparagraphs (A) through (G) of section 152(d)(2), and

“(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

For purposes of subparagraph (B)(ii), not more than 1 person may be designated by the taxpayer for any taxable year.”.

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) OTHER COVERAGE.—

“(i) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any eligible subsidized health plan.

“(ii) APPLICATION OF SUBPARAGRAPH.—Clause (i) shall be applied separately with respect to—

“(I) plans which include coverage for qualified long-term care services (as defined in section 7702B(c)) or are qualified long-term care insurance contracts (as defined in section 7702B(b)), and

“(II) plans which do not include such coverage and are not such contracts.

“(iii) ELIGIBLE SUBSIDIZED HEALTH PLAN.—For purposes of this subparagraph, the term ‘eligible subsidized health plan’ means a subsidized health plan maintained by any employer of—

“(I) the taxpayer or the taxpayer's spouse, or

“(II) in the case of any taxable year beginning in 2008, any individual described in paragraph (1)(B).”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, January 31, 2007, at 9:30 a.m., to conduct its organization meeting for the 110th Congress.

For further information regarding this meeting, please contact Howard Gantman at the Rules and Administration Committee at 224-6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, February 7, 2007, at 10 a.m., to conduct a hearing on the Hazards of Electronic Voting—Focus on the Machinery of Democracy.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee at 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:30 a.m., in open session to consider the nomination of Admiral William J. Fallon, USN, to be reappointed in the grade of Admiral and to be Commander, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the status of Federal land management agencies' efforts to contain the costs of their wildfire suppression activities and to consider recent independent reviews of and recommendations for those efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on transportation sector fuel efficiency, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in Executive Session during the session of the Senate on Tuesday, January 30, 2007, at 9 a.m. in room SD-406.

The Environment and Public Works Committee will hold a Business Meeting to consider the following agenda:

COMMITTEE FUNDING RESOLUTION

The full Committee on Environment and Public Works will conduct a hear-

ing entitled, "Senators' Perspectives on Global Warming." The purpose of the hearing is to hear from each Senator about his or her views on global warming, and what the Senator believes the Nation's response should be to the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:15 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 1 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to meet to conduct a hearing on "Exercising Congress's Constitutional Power to End a War" for Tuesday, January 30, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: David J. Barron, Professor of Law, Harvard Law School, Cambridge, MA; Bradford Berenson, Partner, Sidley Austin LLP, Washington, DC.; Walter Dellinger, Douglas B. Maggs Professor of Law, Duke University School of Law, Former Acting Solicitor General of the United States, Durham, NC; Louis Fisher, Specialist in Constitutional Law, Law Library, Library of Congress, Washington, DC; Robert F. Turner, Center for National Security Law, University of Virginia School of Law, Charlottesville, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 30, 2007 at 2:30 p.m. to hold a closed hearing and business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 149

Mr. REID. Mr. President, I ask unanimous consent that S. 149 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I said at a meeting with the press earlier today how much I appreciate the Republicans

supporting cloture on this minimum wage bill. I hope we are going to have a good bipartisan vote on this bill. There is no question in my mind we will. We have done ethics reform. We are going to do the minimum wage and then move on to something else. I hope we can work on a bipartisan basis.

Mr. President, as you know, we have debate on Iraq coming up when we finish this bill. We are trying to figure out exactly what we are going to be debating because it is a moving target on both sides. We hope to get that done.

I want the record to reflect that I think we are making good progress, and we are doing some legislating. That is very important to the Senate and the country.

ORDERS FOR WEDNESDAY, JANUARY 31, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Wednesday, January 31, at 9:30 a.m.; that on Wednesday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of Senator WYDEN; that following morning business, the Senate resume consideration of H.R. 2, the minimum wage bill; that all time during the recess on Tuesday and during the adjournment count against the 30-hour postcloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of the Senate, we are now close to completing action on all germane amendments that are pending to H.R. 2. It is my understanding that Senator KYL will be here in the morning, and we will resume the bill to debate his amendments. Therefore, Members should be advised to expect roll-call votes tomorrow, and the votes could occur prior to noon.

Does the distinguished Republican leader have anything to say?

Mr. MCCONNELL. No. Let me say to my friend, the majority leader, I think we have gotten off to a good start this year. We are close to accomplishing two important pieces of legislation with overwhelming bipartisan support. We look forward to moving ahead with a rather contentious debate next week but a debate we obviously ought to have. It is the most important issue in the country with a lot of passionate feelings on both sides of the issue, and